

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BEINCART LLC,

Plaintiff,

v.

AMAZON.COM INC; PIZZA PACK LLC,

Defendants.

CASE NO. 2:24-cv-01116-JHC

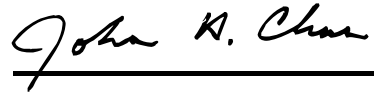
ORDER

Before the Court is Plaintiff's "Motion to Vacate Dismissal, Validate Service, and Enter Default Judgment Pursuant to Fed. R. Civ. P. 60(b)(1), 60(b)(3), 37(e), and 55." Dkt. # 10.

Plaintiff waited almost four months after dismissal of this matter to file its motion to vacate. *Id.* This matter is now over a year old. *See* Dkt. # 1. The motion presents facts and arguments that could have been presented earlier. Dkt. # 10; *see* Dkt. # 7. Further, the amount of time Plaintiff allowed to pass without service of process undermines any assertion of excusable neglect. Nor does Plaintiff present evidence of fraud, misrepresentation, or misconduct. The motion does persuade the Court that there is any basis under Fed. R. Civ. P. 60(b) to vacate its order at Dkt. # 8.

1 Given the foregoing, the Court DENIES the Rule 60(b) motion. And the Court STRIKES
2 as moot the requests under Rule 37 and Rule 55.

3 Dated this 29th day of July, 2025.

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6 John H. Chun
7 United States District Judge
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